C. RELATED PARTY MEDICA	L MONITORING CLAIM		
If you claim exposure to asbestos bro employee in your bousebold and des	ought into your household by a fa	mily member who WR GR	ACE-PIQ 002326-035 1ch Grace
Grace Employee Name:	or too sine time por tow of cases cases.	o cuposaro, iscri jobis) i	ши етрюутен юсинон(s).
First Name	Middle Name	Last Name	
1. Asbestos Exposure dates: From Montb Year To Montb	b Year	I	
2. Grace Employee Occupation:			
description			,
[- [- -			
3. Employment Location:			
Grace Employee Name:			
First Name	Middle Name	Last Name	
1. Asbestos Exposure dates:			
	1-1777		
Month Year Mont	b Year		
2. Grace Employee Occupation:			
description			
	,	•	1
3. Employment Location:			

D. ZONOLITE ATTIC II	NSULATION EXPOSÉ	IRE (LINCOLN COL	JNTY, MT)	
Do you or did you have Lincoln County?	Zonolite Attic Insulation	n in your home during	g any period of WR GRACE-	l in
☐ Yes 万 No				
Where was/is it located	in your home? Attic	Other (specify)		·
Did you personally inst	all that insulation?	Yes □ No	:	. •
Has the Zonolite Attic In Yes □ No				
If yes, specify when and Date	d in what manner the Zo Description	onolite Attic Insulation	n was moved and/or dist	urbed.
Month Year				
	the Zonolite Attic Insulation after you disturbed		or disturbed, how long o	lid you stay in close
	☐ 5-8 hours			
☐ 1-4 hours	☐ Other (please specify)			
E. ASBESTOS TESTINO	the state of the s			
 Has there ever been any resided in Lincoln Cour 	y testing or sampling for nty?-	r the presence of asbe	stos on the property at	which you reside or
r Yes No				
If yes, provide when, by	y whom, the type of test	ing or sampling, and (the results (e.g. air, bulk	and dust sampling).
If Yes, when?		•		
Date: Month Day Year				
Sample Location:		· · · · · · · · · · · · · · · · · · ·	, , , , , , , , , , , , , , , , , , , 	· · · · · · · · · · · · · · · · · · ·
Who took the sample:				,
		` 		
Sample results.		· · · · · · · · · · · · · · · · · · ·		
Sample results:				

Continue on next page >>>

l 2. continued		
Date: Month Day Year		WR GRACE-PIQ 002326-037
Sample Location:		
Who took the sample:		
Sample results:		
Rate Control of the C		
-	If Yes, Attach To This Form All Documents Related To Any Testing Of The Property.	= .
EXPANSION PI	PPLICABLE TO FORMER WO ANTS (OTHER THAN IN LIB vermiculite expansion plant other that	BY, MONTANA)
Name of Plant:		
Plant Address:	<u> </u>	
THE PROPERTY OF THE PROPERTY O		
Street Address		
City		State Zip Code
Employment Dates at this Plant: From To		/Province /Postal Code
Month Year Month Year		
Occupation at this Plant:		
		Continue on next page >>>

IV. continued	•	
Name of Plant:		WR GRACE-P1Q 002326-038
		विकास निर्मान विकास कर दिल
Plant Address:		
Street Address		
City		State Zip Code /Province /Postal Code
Employment Dates at this Plant:		The sounce frostal Code
Montb. Year Montb Year		
Occupation at this Plant:		
•		
Wayra yrays array becombe a collection		*
Have you ever brought or filed any worker's compe	ensation claims aga	ainst Grace?
√□ Yes □ No	ensation claims aga	ainst Grace?
Yes ☐ No If yes, answer this section.		
▼□ Yes □ No		ainst Grace?
Yes ☐ No If yes, answer this section.		
Yes ☐ No If yes, answer this section.		
Yes ☐ No If yes, answer this section.		
Yes ☐ No If yes, answer this section.		
Yes No If yes, answer this section. 1: Describe the injury for which you sought com		
Yes ☐ No If yes, answer this section.		
If yes, answer this section. Describe the injury for which you sought com When was the claim filed? Date		
If yes, answer this section. 1. Describe the injury for which you sought com 2. When was the claim filed? Date Month Year	pensation.	
If yes, answer this section. 1: Describe the injury for which you sought com 2. When was the claim filed? Date	pensation.	
If yes, answer this section. 1. Describe the injury for which you sought com 2. When was the claim filed? Date Month Year	pensation.	
If yes, answer this section. 1. Describe the injury for which you sought com 2. When was the claim filed? Date Month Year	pensation.	

TO NOTICE A CONTROL OF THE TOTAL PROGRAMMENT OF THE SECOND FOR THE CONTROL OF THE PROGRAMMENT OF THE PROGRAM	raple to Persons who were Employed As
This section should be completed by claimants uninstalling or removing that product in residences	who allege significant exposure to Zonolite A WR GRACE-PIQ 002326-039 't of swhile employed by insulation contractors' WR GRACE-PIQ 002326-039 't of ses.
Have you ever personally installed or removed insulation business or other construction busin	Zonolite Attic Insulation as an employee of a commercial ness?
Yes No	· · I
If yes, answer the questions in this Part:	
During what time period(s) did you install or remove Zonolite Attic Insulation?	From To Month Year Month Year
	From To Wonth Year Month Year
-	From To Montb Year Montb Year
emoved Zonolite Attic Insulation.	ent location(s) during each time period in which you installed or
From To Month Year Month Year Coccupation:	
description	
. Employer's Name:	
. Employer's Address:	
Street Address City	
Country (if not U.S.)	State Zip Code /Province /Postal Code
List the percentage of time during that period	that you personally installed or removed Zonolite Attic Insulation.
For each employer for whom you installed or equipment you used while working in proxim	removed Zonolite Attic Insulation, describe the protective
Percentage of time: Protective equipment u	
% □ respirator □ face r	
	Continue on next page >>>

2007276,

v.	continued
1.	Employment dates:
-	From
	Month Year Month Year WR GRACE-PIQ 002326-040
.2.	Occupation:
	description
•	
3.	Employer's Name:
4.	Employer's Address:
	Street Address
F Ess	City State Zip Gode
; ,	/Province /Postal Code
٠	Country (if not U.S.)
Li Tr	ist the percentage of time during that period that you personally installed or removed Zonolite Attic Insulation. or each employer for whom you installed or removed Zonolite Attic Insulation, describe the protective
e	quipment you used while working in proximity to the Zonolite Attic Insulation.
P	ercentage of time: Protective equipment used:
: _	% □ respirator □ face mask □ special clothing □ other protective equipment □ none
1	Employment dates:
1	From To
2.	Month Year Month Year Occupation:
	description
3.	Employer's Name:
4.	Employer's Address:
	Street Address
	GIV
	State Zip Code /Province /Postal Code
	Country (f. not U.S.)
Li	st the percentage of time during that period that you personally installed or removed Zonolite Attic Insulation.
Fo eo	or each employer for whom you installed or removed Zonolite Attic Insulation, describe the protective quipment you used while working in proximity to the Zonolite Attic Insulation.
P	ercentage of time: Protective equipment used:
·	

PART VI: Other Exposures To Asbestos Materials
This section should be completed by all claimants. It asks for information about any ad MR GRACE-PIQ 002326-041 stos or asbestos-containing products you have had in your lifetime. DO NOT repeat any of the the previous sections of this form.
List all of the asbestos product(s) or material(s) you have been exposed to, describe how you were exposed to that product or material, and identify the time period of each exposure. A supplemental form is provided if you have been exposed to more than one additional asbestos product or material:
Asbestos product or material: SPRAY-APPLIED CEILING TEXTURES H FIREPROOFING
Manufacturer or Source of the product or material:
Describe how exposure occurred:
Installed + removed aesbestos -containing products
If the exposure occurred while you were working, list your occupation, employer, and job location:
Occupation FIREMAN STEAMFITTER & CHIEF ENGINEER
Employer CAMARILLO STATE HOSPITAL F
Job CAMARILLO CA
If exposure occurred from work-related application of asbestos products, how close were you to the application
or removal of the product? Personally removed + installed asbestos-containing products, a worked closely with others doing same
Time period(s) of the exposure:
From To From To To Month Year Month Year Month Year
Have you ever made a claim relating to this exposure? ☐ Yes ☐ No
If yes, answer this section: à. Please describe the claim or lawsuit.
REDACTED
b. When was the claim or lawsuit filed? Date D S - 2 0 0
c. Where was the claim or lawsuit filed (court or other claims authority)? Court or Claims Authority:
ALAMEDA COUNTY CA
Name SUPERIOR COURT City State / Province
d. What was the result of the lawsuit or claim?
☐ Judgement or Verdict Entered ☐ Settled Not Paid ☐ Other (please describe)
☐ Settled and Paid
Continue on next page >>>

Did your additional exposure occur because you shared a household with an occur (such as a spouse or a parent who worked in proximity to asbestos)? ▼□ Yes □ No WR GRACE-PIQ 002326-042
If yes, list the time period of that household exposure: From To
Month Year: Month Xear.
List the figure of the occupationally exposed household member:
First Name Last Name
List his or her occupation, employer and employment location, and describe how that person brought
asbestos from the workplace into your household:
Occupation I and I also a lateral and I also a late
Employer
Employment location
How if was brought home
PART VII: SIGNATURE
All claims must be signed by the claimant or the person filing on his/her behalf (such as the personal representative or attorney).
I have reviewed the information submitted on this proof of claim form and all documents submitted in support of my claim. To the best of my knowledge, the information is accurate and complete.
SIGNATURE OF CLAIMANT, REPRESENTATIVE, OR ATTORNEY
Name of Signatory, if not the claimant RONALD J SAINGLER
Relationship of Signatory to Claimant ATTORNEY

IF THE SIGNATURE IS NOT THAT OF THE CLAIMANT,
PLEASE PRINT THE NAME OF THE SIGNATORY ABOVE AND INDICATE THE
RELATIONSHIP TO THE CLAIMANT

THE PENALTY FOR SUBMITTING A FRAUDULENT CLAIM
IS A FINE OF UP TO \$500,000 OR
IMPRISONMENT FOR UP TO 5 YEARS, OR BOTH. 18 U.S.C. §\$ 152, 3571

REDACTED

Exhibit A

WR GRACE-PIQ 002326-043

Part VII: Litigation and Claims Regarding Asbestos and/or Silica

a. Litigation

4.

American Standard	DWOP
Aqua Chem, Inc.	DWOP
Hopeman Bros.	DWOP
John Crane, Inc.	DWOP
Metalclad	DWOP
Soco Lynch	DWOP
Todd Shipyards Corp.	DWP



WORK HISTORY

WR GRACE-P1Q 002326-045

Work History

REDACTED

Decedent the time periods set forth below:

was exposed to asbestos in the manner and during

A. United States Navy (1937 - 1941)

Decedent served as a seaman in the United States Navy from 1937 through 1941. He went through boot camp at the United States Naval Training Center in Great Lakes, Illinois, and served in Sitka. Alaska for 18 months where he performed work as a fireman in the boiler room facilities of the Sitka Naval Air Station. He was present when others, including outside contractors; installed and removed insulation products in these boiler room facilities and other locations at the base. Decedent also served as a boiler room fireman aboard the U.S.S. Langley, U.S.S. Memphis, U.S.S. Mead Destroyer, U.S.S. Wyoming, and the U.S.S. Texas. While serving aboard these vessels, decedent routinely applied and removed asbestos containing products including, but not limited to pipe covering, block and cement, and decedent was present when others performed these tasks. Decedent was also present when other workers installed and removed a wide variety of asbestos containing products, including but not limited to pipe covering, block, cement, gaskets, packing, cloth and refractory products. Decedent was assigned to the engine and boiler room compartments of these vessels and was exposed to asbestos which was on and contained within the boilers and other equipment associated with these compartments. Decedent assisted in and was present during both minor repairs and major overhauls of these vessels. Decedent sustained both a direct and bystander exposure to asbestos.

B. San Diego Marine Construction Company (1942 - 1943)

Decedent worked as a pipe fitter for the San Diego Marine Construction Company, a shipyard in San Diego, California for a period of two years from 1942 through1943. He worked aboard ships that were being constructed and repaired as part of the United States war effort during World War II. His duties required him to install and remove asbestos containing gaskets and packing, and also required him to install and remove asbestos containing insulation including, but limited to pipe covering, block, and cement. Decedent regularly and routinely worked in the same compartment as other workers who installed and removed asbestos containing insulation, packing, gaskets, cloth and refractory products. Decedent was also present when other workers performed refractory work on the boilers of these vessels, and was present when workers constructed the interior walls and compartments of these ships. Decedent sustained both a direct and bystander exposure to asbestos.

C. United States Merchant Marines (1943 - 1945)

Decedent served as a wiper, fireman and engineer in the United States Merchant Marine from 1943 through 1945. He sailed aboard oil tankers in both the Atlantic and Pacific oceans during World War II. He served as a wiper, fireman and engineer in the boiler and engine rooms of the S.S. Broad River, S.S Fort Donelson, and the S.S. Mission Santa Clara. While serving in the boiler and engine rooms of these vessels, decedent routinely applied and removed asbestos containing insulation including, but not limited to pipe covering, block and cement, and decedent

WR GRACE-PIQ 002326-046

was present when others performed these tasks. Decedent was also present when other workers installed and removed a wide variety of asbestos containing products, including but not limited to pipe covering, block, cement, gaskets, packing, cloth and refractory products. Decedent was assigned to the engine and boiler room compartments of these vessels and was exposed to asbestos was on and contained within the boilers and other equipment associated therewith. Decedent assisted in and was present during both minor repairs and major overhauls of these vessels. Decedent sustained both a direct and bystander exposure to asbestos.

D. Camarillo State Hospital (1948 - 1959)

Decedent worked as fireman, steam fitter, and chief engineer at the Camarillo State Hospital in Camarillo, California from 1948 through 1959. Decedent was responsible for the overall maintenance of the facility, including the maintenance and operation of the boilers. His duties required him to perform, and required him to work in close proximity to others who performed, a variety of tasks including but not limited to the installation and removal of asbestos containing products. The list of asbestos containing products to which decedent was exposed includes, but is not limited to, gaskets, packing, pipe covering, block, cement, drywall, wall board, joint compound, spray applied ceiling textures, wall textures, spray applied fireproofing, and refractory products. Decedent sustained both a direct and bystander exposure to asbestos.

E. Paso Robles School for Boys (1959 - 1964)

Decedent worked as fireman, steam fitter, and chief engineer at the Paso Robles School for Boys in Paso Robles, California from 1959 through 1964. Decedent was responsible for the overall maintenance of the facility, including the maintenance and operation of the boilers. His duties required him to perform, and required him to work in close proximity to others who performed, a variety of tasks including but not limited to the installation and removal of asbestos containing products. The list of asbestos containing products to which decedent was exposed includes, but is not limited to, gaskets, packing, pipe covering, block, cement, drywall, wall board, joint compound, spray applied ceiling textures, wall textures, spray applied fireproofing, and refractory products. Decedent sustained both a direct and bystander exposure to asbestos.

F. California Institute for Women (1964 - 1969)

Decedent worked as fireman, steam fitter, and chief engineer at the California Institute for Women in Ontario, California from 1964 through 1969. Decedent was responsible for the overall maintenance of the facility, including the maintenance and operation of the boilers. His duties required him to perform, and required him to work in close proximity to others who performed, a variety of tasks including but not limited to the installation and removal of asbestos containing products. The list of asbestos containing products to which decedent was exposed includes, but is not limited to, gaskets, packing, pipe covering, block, cement, drywall, wall board, joint compound, spray applied ceiling textures, wall textures, spray applied fireproofing, and refractory products. Decedent sustained both a direct and bystander exposure to asbestos.

G. California State University, Hayward (1969 - 1975)

Decedent worked as fireman, steam fitter, and chief engineer at the California State University campus in Hayward, California from 1969 through 1975. Decedent was responsible for the overall maintenance of the facility, including the maintenance and operation of the

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WR GRACE-PIQ 002326-047

boilers. His duties required him to perform, and required him to work in close proximity to others who performed, a variety of tasks including but not limited to the installation and removal of asbestos containing products. The list of asbestos containing products to which decedent was exposed includes, but is not limited to, gaskets, packing, pipe covering, block, cement, drywall, wall board, joint compound, spray applied ceiling textures, wall textures, spray applied fireproofing, and refractory products. Decedent sustained both a direct and bystander exposure to asbestos.



DEATH CERTIFICATE

			CERTIFICATION OF VIVAL RECO
	/		COUNTY of CONTRA COSTA HR GRACE-PIQ 002326-049
		7.	MARTINEZ, CALIFORNIA
		•	CERTIFICATE OF DEATH
		\$77	ATE FILE NUMBER USE BLACK BIK ONCUMO EAGURES, INTROVITE OR ALTERATIONS LOCAL RECISTRATION NUMBER 1. NAME OF DELEGOT—PAST (COTH) 2. NAME OF DELEGOT—PAST (COTH)
#4#4			T - N - N - N - N - N - N - N - N - N -
		DECEDENT PERSONAL	NB IN POCIAL RECURITY HO. 11. HILITARY PERVICE 12. MARTIAL STATUS 13. EDUCATION—YEARS COMPLETED NB 140. POCIAL RECURITY HO. 11. MARRIED 13. EDUCATION—YEARS COMPLETED
		DATA	NB I Ves No Unix MARRIED 14 14. NACE 15. HISPANIC-SPECITY 16. USUAL ENTROPER WHITE I No CAL STATE UNIVERSITY OF HAYWARD
			17. OCCUPATION 18. NOTE OF BUTCHESS 19. YEARS IN OCCUPATION 27
		USUAL RESIDENCE	20. RESIDENCE—ISTRICT AND HUNBER OR LOCATION) TO 22, DP SODE 24. THE IN COUNTY 25, STATE OR FOREIGN COUNTRY
	-		The contract contract to trace to trace to the contract c
		INFORMANT	SO TYSEL THYROGOL HAND
ED	٠	SHOUSE AND PARENT	The last time time to the same time time to the same time time time time time time time ti
VC1		DEFORMATION	35. NAME OF NOTHER-PREST . 36. MIDDLE 37. EAST PHANCHS
REDA	•	ызроспроиз	08/10/2000 NEMORY GARDENS CEMETERY 2011 ARNOLD WAY, CONCORD, GA
\simeq	<i>:</i> .	FUHERAL DIRECTOR AND LOCAL	BURIAL - Mark & Cappyon 7555 :-
	:	REGISTRAR	PITTSBURG FUNERAL CHAPEL, INC. PD-510 La le December 100, 98/09/2000 Min. 100, PLACE OF DEATH 100, PLACE O
		PLACE OF DEATH	USUAL RESIDENCE
			107. DEATH WAS CAUGED BY IENTEA DHLY ONE CAUGE FER LINE FOR A, B. G. AND DS THE INTERMINED HE CONTROL SECTION HOST TORS. PEAN REPORTED TO CONGRESS AND DEATH
			CARCINOMA OF THE RIGHT LUNG 3 MONS 00-1127
	100 mg/s	CAUSE	BUE TO. (c)
1. 400 Em.	·: -	DEXIN	DUE TO (D)
	•	:"	112. OTHER RICHITICANT CONDITIONS CONTINUOUS TO DEATH DUT NOT RELATED TO CAUSE CIVEN IN 107 113. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 107 OR SIST IF TES, LIST TITE OF DEPARTION AND DATE.
		·	RIGHT LUNG BIOCST 04/25/2000
		PHYSI- CIAN'S EERTHTCA- TION	DECEMBRATE THE PARTY THE PARTY THE ATTENDED HITER AND AND THE ATTENDED HOUSE HAVE A VIA NALINUT CREEK NAME A SAN SAN SAN SAN SAN SAN SAN SAN SAN S
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	. :	OHTA REE	ACCIDION INTRICATION DETERMINED 125. LOCATION INTRICATION DETERMINED 126. LOCATION INTRICATION HOMBER OR LOCATION AND CITY, 2017
	, . , .		126. SIGNATURE OF CORONER OR DEPUTY CORONER 127. DATE M M/D D/C E Y 2 128. TIPED MUME, TITLE OF CORONER OR DEPUTY CORONER
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		die n	CONTRA COSTA COUNTY HEALTH OFFICER us copy not valid unless prepared on engraved border displaying seal and signature of Contra Costa County Health Officer.
			ANYALICANIA MANAMBANA MANA



COMPLAINT



ENDORSED FILED ALAMEDA COUNTY

MAY 0 5 2000

CLERK OF THE SUPERIOR COURT By Yolanda Smith, Deputy

Ronald J. Shingler, Esq. (C.S.B. #142089) Richard Hobin, Esq. (C.S.B. #76791) HOBIN & SHINGLER, LLP 1011 "A" Street Antioch, California 94509 (925) 757-7020

Attorneys for Plaintiff

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

REDACTED and Plaintiffs, 12 13 VS. OWENS CORNING, individually and as successor in interest to MARINE ENGINEERING AND SUPPLY COMPANY INC.; ACANDS, INC.; ALTA BUILDING MATERIALS CO.; A.P. GREEN INDUSTRIES 16 INC.; A.P. GREEN SERVICES, INC., fka BIGELOW-LIPTAK CORPORATION: 17 AMERICAN STANDARD, individually and as successor in interest in U.S. RADIATOR and 18 KEWANNE BOILERS; ARMSTRONG 19 WORLD INDUSTRIES, INC., individually and as successor in interest to ASBESTOS SUPPLY COMPANY; AQUA-CHEM, INC., individually 20 and as successor in interest to CLEAVER BROOKS; COMBUSTION ENGINEERING. 21 INC., individually and as successor in interest to MH DETRICK, WALSH REFRACTORIES, 22 and REFRACTORY AND INSULATION, INC.; CROWN CORK & SEAL COMPANY, 23 INC., individually and as successor in interest to MUNDET CORK CORP.; E.J. BARTELS; FIBREBOARD CORPORATION, individually and as successor in interest to PLANT RUBBER 25 AND ASBESTOS WORKS; FOSTER WHEELER CORPORATION: FOSTER 26 WHEELER ENERGY CORPORATION. individually and as successor in interest to 27 FOSTER WHEELER-CORPORATION; GAF CORPORATION; GARLOCK, INC.; GASKET) 28

CASE NO. 26152-8

COMPLAINT FOR PERSONAL INJURIES; NEGLIGENCE; STRICT LIABILITY; FAILURE TO WARN; BREACH OF WARRANTIES; FRAUD; CONSPIRACY; ENTERPRISE LIABILITY; LOSS OF CONSORTIUM

HOLDINGS, INC., fka FLEXITALLIC, INC.; HOPEMAN BROTHERS, INC.; J.T. THORPE AND SON, INC.; J.T. THORPE, INC.; JOHN CRANE, INC.; MACARTHUR COMPANY, individually, and as parent, alter ego and successor in interest to WESTERN ASBESTOS CO., BAY CITIES ASBESTOS CO. and WESTERN MACARTHUR COMPANY; METALCLAD INSULATION CORPORATION; OWENS-ILLINOIS, INC.; PLANT INSULATION COMPANY, individually and as successor in interest to PLANT ASBESTOS COMPANY; RAPID 7 AMERICAN CORPORATION, individually 8 and as successor in interest to PANACON CORP., PHILIP CAREY MANUFACTURING CORP., CAREY CANADA, INC., and PHILIP CORP.; RAYMOND INTERIOR SYSTEMS -NORTH, fka JAMES L. WHITTAKER, INC.; RILEY STOKER CORPORATION: SÓCO-11 LYNCH CORPORATION, individually and as successor in interest to WESTERN CHEMICAL 12 AND MANUFACTURING: SYD CARPENTER, MARINE CONTRACTOR INC.; T&N, LTD., fka T&N PLC, as successor in interest to TURNER & NEWALL PLC and TURNER & NEWALL, LTD.; THOMAS DEE ENGINEERING COMPANY; THORPE 15 INSULATION COMPANY, individually and as successor in interest to ASBESTOS PRODUCTS 16 OF SAN DIEGO; UNITED STATES MINERAL PRODUCTS COMPANY; W.R. GRACE & CO. - CONN; WESTERN MACARTHUR COMPANY, individually and as successor in interest to WESTERN 17 18 interest to WESTERN ASBESTOS CO. and BAY CITIES ASBESTOS CO. and FIRST 19 DOE through TWO HUNDREDTH DOE, inclusive, 20 Defendants. 21 Plaintiff 22 complains of defendants, and each of them, and alleges: 23 24 FIRST CAUSE OF ACTION (Negligence) 25 26 1. Plaintiff. brings this action on his own behalf and hereinafter is referred to as "plaintiff." Plaintiff knows of no other parties who should be named 27 28 as a plaintiff herein. Moore Complaint

Ronald J. Shingler, Esq. (C.S.B. #142089) Richard Hobin, Esq. (C.S.B. #76791) 1 2 HOBIN & SHINGLER, LLP 1011 "A" Street Antioch, CA 94509 3 (925) 757-7020 4 Attorneys for Plaintiffs 5

ALAMEDA COUNTY

FEB 0 9 2001

CLERK OF THE SUPERIOR COURT By Dorothy Duckett, Deputy

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA ...

IN AND FOR THE COUNTY OF ALAMEDA

REDACTED

and

CASE NO. 835568-9

Plaintiffs. 12

13 GARLOCK, INC.; ACANDS, INC.; ALTA BUILDING MATERIALS CO,; 14 AMERICAN STANDARD, INC. 15 individually and as successor in interest to U.S. RADIATOR and KEWANNE 16 BOILERS; AQUA-CHEM, INC., individually and as successor in interest to 17 CLEAVER BROOKS; COMBUSTION ENGINEERING, INC., individually and as 18 successor in interest to M.H. DETRICK. WALSH REFRACTORIES, and 19 REFRACTORY AND INSULATION, INC.; FOSTER WHEELER 20 CORPORATION; FOSTER WHEELER ENERGY CORPORATION, individually - 21 and as successor in interest to FOSTER WHEELER CORPORATION; GASKET 22 HOLDINGS, INC., fka FLEXITALLIC, INC.; HARBISON WALKER 23 REFRACTORIES CO., formerly a division of DRESSER INDUSTRIES, INC.:

FIRST AMENDED COMPLAINT FOR WRONGFUL DEATH; NEGLIGENCE; STRICT LIABILITY; FAILURE TO WARN; BREACH OF WARRANTIES: FRAUD; CONSPIRACY; AND ENTERPRISE LIABILITY

First Amended Complaint for Wrongful Death Case No. 835568-9

MACARTHUR COMPANY, individually, and as parent, alter ego and successor in

interest to WESTERN ASBESTOS CO., BAY CITIES ASBESTOS CO. and

WESTERN MACARTHUR COMPANY:

individually and as successor in interest to

CORPORATION; OWENS-ILLINOIS INC.; PLANT INSULATION COMPANY,

METALCLAD INSULATION

PLANT ASBESTOS COMPANY: 1 RAYMOND INTERIOR SYSTEMS -2 NORTH, fka JAMES L. WHITTAKER, INC.; RILEY STOKER CORPORATION; 3 SOCO-LYNCH CORPORATION, individually and as successor in interest to 4 WESTERN CHEMICAL AND MANUFACTURING; MARINE 5 CONTRACTOR, INC.; T&N, LTD., fka T&N PLC, as successor in interest to TURNER & NEWALL PLC and TURNER & NEWALL, LTD.; THOMAS DEE ENGINEERING COMPANY; THORPE INSULATION COMPANY, individually and as successor in interest to ASBESTOS. PRODUCTS OF SAN DIEGO; TODD SHIPYARDS CORPORATION; UNITED STATES MINERAL PRODUCTS COMPANY; W.R. GRACE & CO. -10 CONN; WESTERN MACARTHUR 11 COMPANY, individually and as successor in interest to WESTERN ASBESTOS CO. 12 and BAY CITIES ASBESTOS CO. and FIRST DOE through TWO HUNDREDTH 13 DOE, inclusive, 14 Defendants. 15 16 **Plaintiffs** \mathbf{ar} complain of 17 defendants, and each of them, and allege: 18 FIRST CAUSE OF ACTION 19 (Negligence) 20 1. Plaintiff: is the surviving spouse of deceased (hereinafter referred to as "decedent"). is 22 the sole surviving child of decedent. and 23 are collectively referred to hereinafter as "plaintiff." Plaintiff knows of no other 24 parties who should be named as a plaintiff herein. 25 2. Plaintiff is ignorant of the true names and capacities of defendants sued herein as 26 DOES 1 through 200, inclusive, and therefore sues these defendants by such fictitious names. 27 Plaintiff will amend this complaint to allege their true names and capacities when ascertained. 28 Plaintiff is informed and believes and thereon alleges that each of said fictitiously named

First Amended Complaint for Wrongful Death

Case No. 835568-9

	1	Ronald J. Shingler, Esq. (C.S.B. #142089)	ALA WR GRACE-PIQ 002326-055			
	2	Aaron H. Simon, Esq. (C.S.B. #67552) Richard Hobin, Esq. (C.S.B. #76791) HOBIN, SHINGLER & SIMON, LLP	JUN 3 0 2003			
-	3	1011 A Street	CLEPK OF THE SUPERIOR COURT			
	4	Antioch, California 94509 (925) 757-7585	Ey Shanika Hatfield, Deputy			
	5	Attorneys for Plaintiffs				
	6					
	7					
	8	IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA				
	9	IN AND FOR THE COUNTY OF ALAMEDA				
	10	individually independent in interest to) Case No. 826152-8• (Lead Case)			
	11	,				
	12	Plaintiff, vs.				
	13	OWENS-CORNING, et al.,	Ś			
ED	14	Defendants.)			
∤ CI.	15		j			
REDACTEI	16	and	Case No. 835568-9 "			
¥	17	Plaintiffs,	AMENDMENT TO COMPLAINT			
	18	vs.) 			
	19	GARLOCK, INC., ET AL.))			
	20	Defendants.	!)			
	21)				
	22	Plaintiffs hereby amend the complaint in this action by substituting the true name				
	23	"CONGOLEUM CORPORATION" in place of the fictitious name "DOE 4" everywhere the				
	24	fictitious name "DOE 4" appears or is referenced in the complaint.				
	25	DATED: June 27, 2003 HOBIN, SHINGLER & SIMON, LLP				
	26					
	27		p 182			
	28		RONALD J. SHINGLER Attorneys for Plaintiffs			
		Moore - Amendment to Complaint	1			



MEDICALS

/18/00 /*	16:28 HOBIN AND SHINGLER → 9399630	ND. 434	003
1 2 3 4 5 6 7 8 9 10 11	1011 "A" Street Antioch, CA 94509 (925) 757-7585 Attorneys for Plaintiffs	OF CALIFORNIA MEDA 826152-8	003
13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	OWENS CORNING, et al. Defendants. I, Dan Ben-Zeev, M.D., declare: I am an oncologist licensed to practice medicine in the Stallocated at 110 La Casa Via, Suite 210, Walnut Creek, California 9 has been one of my patients since Madiagnosed with carcinoma of the lung, with a possible differential May 2, 2000. (Attached hereto as Exhibit A is a true and correct of pathology report confirming the diagnosis in this case.) on May 10, 2000. condition of carcinoma of the lung is terminal medical doubt that he will survive more than six (6) months beyon.	4598. y 10, 2000. was diagnosis of mesothelioma, or copy of the Mayo Clinic last visit to my office was	

16:28

HOBIN AND SHINGLER → 9399630

NO.434

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It is my understanding that deposition may be taken. As condition deteriorates his ability to give meaningful deposition testimony will likewise deteriorate. Therefore if his deposition is to be taken, it should be taken as soon as is reasonably possible.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Executed this 22 day of May, 2000 in Walnut Creek, California.

-2-





); %

Mayo Clinic Scottsdale 13400 East Shea Boulevard Scottsdale, Arizona 85259 480-301-8000

May 2, 2000

Jeffrey L. Curtis, M.D.
John Muir Medical Center
Department of Pathology
1601 Ygnacio Valley Road
Walnut Creek, CA 94598

Re:

Your No: 00-5244 Our No: OS00-1053

REDACTED

Dear Jeff:

This will follow up my telephone call to your office regarding

I agree with your observations and differential diagnosis. This 82-year-old man has curonic effusions, and biopsies of lung and pleura have been performed. These biopsies show malignant tumor infiltrating pleura and lung. The involvement of the pleura is somewhat patchy, which would be unusual for mesothelioma, and the degree of lung involvement, including vascular infiltration, would also be unusual for mesothelioma. Cytologically I thought this looked more like carcinoma than mesothelioma, given the degree of atypia that was present. Immunohistochemically, this lesion gave the following reactions: PSA negative, chromogranin negative, keratin positive, thyroid transcription factor negative, EMA positive, CD31 negative, Calretinin negative, cytokeratin 5/6 negative, CD15 positive, MOC 31 positive, CEA positive (both poly and monoclonal), and B72.3 positive. On balance, the histology and immunohistochemistry strongly favor carcinoma.

My diagnosis reads as follows: Biopsies of lung and pleura showing involvement by poorly differentiated carcinoma.

Thank you for the opportunity to review this case.

(ichoy in)

Sincerely,

Thomas V. Colby, M.D.

TVC/alw

taxed to miching 5.9 at 10:40 A. me JOHN MUIR MEDICAL CENTER

John Muir/Mt. Diablo F. cm

1601 Ygnacio Valley Roac. Jamut Creek, CA 94598-3194 (925) 947-5390

PATH DEPT CODY - MEDICAL DIRECT

Patient: REDACTED

Unit #

Ordering Physician: DR. S. WOLFE

Copy(s) to: M. Cohen

Case#00-5244

Age: 82 Sex: M Received: 4-25-00

D

PATHOLOGY REPORT

CLINICAL SUMMARY:

RT. THORACOSCOPY & BX; DRAINAGE OF

PLEURAL FLUID

PRE-OP DIAGNOSIS: POST-OP DIAGNOSIS:

SPECIMEN OF:

1. RT. PLEURAL BIOPSY

2. RT. LUNG BX

INTRAOP CONSULT:

FS (#2) NONSMALL CELL CAJEFFREY CURTIS,MD

GROSS DESCRIPTION 4-25: The specimen is received in two parts.

Received in #1 labeled "right pleural biopsy" are multiple fragments of tan-pink fibrous-appearing tissue ranging in size from 2 mm-1.4 cm, all embedded in #1. Some of the fragments appear to have calcified.

Received in #2 labeled "right lung biopsy" are two reddish-brown tissue fragments stapled along one edge. The fragments measure $2.0~\rm cm \times 1.2~\rm cm \times 1.0~\rm cm$ and $3.2~\rm cm \times 2.4~\rm cm \times 0.8~\rm cm$. Both contain firm nodules, the largest $1.5~\rm cm$ in maximum dimension, consistent with neoplasm. Tissue selected for frozen section and representative sections of the remaining tissue are submitted in $2A~\rm and~B$. JLC:me

Gt/4-25

MICROSCOPIC DESCRIPTION 4-27: The right pleural biopsy shows fibrous pleural plaque with focal chronic inflammation and dystrophic calcification, but no evidence of neoplasm. Focal mesothelial hyperplasia inflammation is identified on the surface of some of the fragments.

Permanent sections of the right lung biopsy confirm the frozen section diagnosis of nonsmall cell carcinoma. The tumor is a poorly differentiated adenocarcinoma with focal rudimentary gland formation and signet ring differentiation. In many areas, the tumor has an undifferentiated appearance, infiltrating a fibrotic stroma and pleura as single cells, narrow cords, packets, and trabeculae. Some of the latter areas suggest possible neuroendocrine differentiation, however, a chromogranin stain is negative. Prominent angiolymphatic invasion is seen. The tumor focally appears to invade muscular walled arteries and arterioles, and also fills alveolar spaces.

CONT ON PAGE 2

Tape & to M. Cohess 4-27=+ 1100A-me 5/10 12-20 FAD TO DE FENTEE.

55 (9/98)

T.E. POORE M.D. B. LARNER M.D. M. SCOTT M.D. J. CURTIS M.D.

A JOHN MUIR MEDICAL CENTER

John Muir/Mt. Diablo F

1601 Ygnacio Valley Roa. Wainut Creek, CA 94598-3194 (925) 947-5390

WR GRACE-PIA 002326-061

T. EDWIN POORE MEDICAL DIRE

Patient:

REDACTED

Unit #

Ordering Physician: DR. S. WOLFE

Copy(s) to:

Case#00-5244

Age: 82

Sex: M

Received: 4-25

4-25-00

MICROSCOPIC DIAGNOSIS:

RIGHT PLEURAL BIOPSY:

CALCIFIED FIBROUS PLEURAL PLAQUE.

RIGHT LUNG BIOPSY:

INFILTRATING POORLY DIFFERENTIATED ADENOCARCINOMA WITH PLEURAL AND ANGIOLYMPHATIC INVASION.

Note: Dr. Larner has seen this case.

The immunoperoxidase stain reported above was developed and its performance characteristics determined by John Muir Clinical Laboratory. It has not been cleared or approved by the U.S. Food and Drug Administration, although such approval is not required for analyte-specific reagents of this type.

JLC:cb Mt/4-27

JEFFREY (JCURTIS, M.D.

55 (9,98)

T.E. POORE M.D. B. LARNER M.D. M. SCOTT M.D. J. CURTIS M.D.

JOHN MUIR MEDICAL CENTER LABORATORY / YGNACIO PATHOLOGY MEDICAL GROUP.



INTERROGATORIES

1	Ronald J. Shingler, Esq. (C.S.B. #142089)	WR GRACE-PIQ 002326-063					
2	Richard Hobin, Esq. (C.S.B. #76791) HOBIN & SHINGLER, LLP 1011 "A" Street						
3	Antioch, California 94509 (925) 757-7020						
4							
5	Attorneys for Plaintiffs						
6							
7							
8	IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA						
9	IN AND FOR THE COUNTY OF ALAMEDA						
10	REDACTED and I) CASE NO. 835568-9					
11	Plainuns,) PLAINTIFFS RESPONSES TO					
12	vs.) INTERROGATORIES) (WRONGFUL DEATH)					
13	GARLOCK, INC., et al.,	}					
14	Defendants.						
15	Detendants.	_ }					
16	Propounding Party: Designated Defense Counsel Berry & Berry						
17	Responding Party: Plaintiffs	and					
18	Set No.: One						
19	Plaintiffs hereby respond to interrog	gatories propounded by coordinating defendant,					
20	BERRY & BERRY.						
21	INTRODUCTION						
22	The responses that follow are based on information possessed by plantiffs' attorney,						
23	unless otherwise privileged, as well as information known to plaintiffs. Plaintiffs may not have						
24	any information concerning a particular response. Verification by plaintiffs is not an indication						
25	that they have any knowledge concerning any particular response.						
26	RESPONSE TO INTERROGATORY NO. 1						
27	(a) REDACTED						
28	(b)						
	General Order interrogatory responses - 11200, 2012	<u>:</u>					

	11			· ************************************
1	(c)			WR GRACE-PIQ 002326-064
2	(d)			
3	· (e)			en e
4	(f)			
5	(g)			
6	(h)		REDACTED	
7	_(i)			
8	_ (j)		ı	,
9	(k)			
10	(1)			•
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12	(m)			
13	(n)	N/A.		
14	(0)			
15	(p)		REDACTED	·
16	(g)		REDACTED	
17	(r)			
18		E TO INTE	RROGATORY NO. 2:	
19	(a)			
20	(b)			-
21	(c)			
22	(d)		REDACTED	
23	(e)			
24	(f)			
25	(g)	N/A.		-
26	(h		REDACTED	
27	(i)			
28	(i)		: 	
	General Order	Interrogatory I	2 Responses - Wrongful Death	
Ì	Case No. 8355	68-9		

	: I			
1	(k) WR GRACE-PIG 002326-065			
2	(l)			
3	(m)			
4	(n) REDACTED			
5	(o)			
6	(p)			
7	(q) Retired.			
8	(r) None.			
9	(s) N.A.			
10	(t) N/A.			
11	RESPONSE TO INTERROGATORY NO. 3:			
12	Name/Occupation Date of Birth Address			
13				
14	REDACTED			
15	<u>}</u>			
16	No.			
17	RESPONSE TO INTERROGATORY NO. 5:			
18	Father:			
19	(a)			
20	(b) REDACTED			
21	(c)			
22	Mother:			
23	(a)			
24	(b) REDACTED			
25	(c)			
26	RESPONSE TO INTERROGATORY NO. 6:			
27	Plaintiffs object to this interrogatory on the grounds that it is burdensome, oppressive,			
28	vague and ambiguous as to what constitutes "blood relative," and is not likely to lead to			
	General Order Interrogatory Responses - Wrongful Death			
l	Case No. 835568-9			



admissible evidence. Without waiving said objections, plaintiffs respond:

Yes.

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REDACTED (a)

(b)

RESPONSE TO INTERROGATORY NO. 7:

Plaintiffs object to this interrogatory on the grounds that it is burdensome, oppressive, vague and ambiguous as to what constitutes "blood relative," and is not likely to lead to admissible evidence. Without waiving said objections, plaintiffs respond:

- (a)
- (b)
- REDACTED (c)
- 12 (d)
- 13 (e)

RESPONSE TO INTERROGATORY NO. 8:

Plaintiffs object to this interrogatory on the grounds that it is overbroad, irrelevant to the subject matter of the instant action, not likely to lead to admissible evidence and is an invasion of the plaintiffs' rights to privacy. Furthermore, Smith v. Superior Court (1961) 189 Cal.App.2d 6, is a case on point concerning this subject. Without waiving this objection, plaintiffs respond:

19	1937 - 1941	-	Great Lakes, Illinois.
20	1942	~ ,	San Diego, California.
21	1943 - 1945	-	Colton, California.
22	1946 - 1947	-	Bishop, California.
23	1947 - 1948	-	Lone Pine, California.
24	1948 - 1959	-	Oxnard, California.
25	1959 - 1964	-	Paso Robles, California.
26	1964 - 1969	-	Upland, California.
27	1969 - 1975	-	Montclare (now Union City), California.
28	1975 - 1978	-	382 Rivera Drive, Union City, California.

General Order Interrogatory Responses - Wrongful Death Case No. 835568-9

WP. CPACE-P10, 00226-067

REDACTED

RESPONSE TO INTERROGATORY NO. 9:

Plaintiffs object to this interrogatory on the grounds that it is overbroad and vague as to the meaning of "formal on-the-job training" and "safety classes." Without waiving said objections, plaintiffs respond:

graduated from Pawnee City High School, in Pawnee City, Nebraska in May
15, 1936. He attended a Junior College in Ventura, California during the 1955 academic year.

His studies included courses in supervising. also took correspondence courses at the
University of Madison, Wisconsin, which he completed in 1955. He did not attain a degree.

RESPONSE TO INTERROGATORY NO. 10:

No.

RESPONSE TO INTERROGATORY NO. 11:

Yes.

(a) United States Navy (1937 - 1941)

went through boot camp at the United States Naval Training Center in Great Lakes, Illinois, and served in Sitka, Alaska for 18 months where he performed work as a fireman in the boiler room facilities of the Sitka Naval Air Station. He was present when others, including outside contractors, installed and removed insulation products in these boiler room facilities and other locations at the bas also served as a boiler room fireman aboard the U.S.S. Langley, U.S.S. Memphis, U.S.S. Mead Destroyer, U.S.S. Wyoming, and the U.S.S. Texas. While serving aboard these vessels, routinely applied and removed asbestos containing products including, but not limited to pipe covering, block and cement, and he was present when others

General Order Interrogatory Responses - Wrongful Death Case No. 835568-9



was also present when other workers installed and removed a wide variety of asbestos containing products, including but not limited to pipe covering, block, cement, gaskets, packing, cloth and refractory products. was assigned to the engine and boiler room compartments of these vessels and was exposed to asbestos which was on and contained within the boilers and other equipment associated with these compartments.

assisted in and was present during both minor repairs and major overhauls of these vessels.

sustained both a direct and bystander exposure to asbestos.

(b) United States Merchant Marines (1943 - 1945)

served as a wiper, fireman and engineer in the United States Merchant Marine from 1943 through 1945. He sailed aboard oil tankers in both the Atlantic and Pacific oceans during World War II. He served as a wiper, fireman and engineer in the boiler and engine rooms of the S.S. Broad River, S.S Fort Donelson, and the S.S. Mission Santa Clara. While serving in the boiler and engine rooms of these vessel: routinely applied and removed asbestos containing insulation including, but not limited to pipe covering, block and cement, and he was present when others performed these tasks. was also present when other workers installed and removed a wide variety of asbestos containing products, including but not limited to pipe covering, block, cement, gaskets, packing, cloth and refractory products. was assigned to the engine and boiler room compartments of these vessels and was exposed to asbestos was on and contained within the boilers and other equipment associated therewith.

assisted in and was present during both minor repairs and major overhauls of these vessels.

sustained both a direct and bystander exposure to asbestos.

RESPONSE TO INTERROGATORY NO. 12:

Plaintiffs object to this interrogatory on the grounds that it is overbroad, burdensome, and an invasion of plaintiffs' right to privacy. Further, defendants have these medical records or plaintiffs' attorney will make these medical records available at a mutually convenient time in our office for the defendants' coordinating counsel for medical discovery. Without waiving said objections, plaintiffs respond:

///

John Muir Medical Center 1601 Ygnacio Valley Road Walnut Creek, CA	1983	had a spirometry after showing signs of COPD, with wheezing and shortness of breath.
Mt. Diablo Hospital Emergency Roo 2540 East Street Concord, CA	m 1996	became very weak, collapsed and had a head contusion.
John Muir Hospital 1601 Ygnacio Valley Walnut Creek, CA	March 28, 2000 April 4, 2000	had laboratory work, CT Scan, Thoracentesis and Thoracotomy.

had multiple chest x-rays and a single C.T. scan performed at the various doctor's offices and hospitals listed in Interrogatories 12 and 13. Plaintiffs are not qualified to give the results, conclusions, and/or diagnosis from each film and scan, and therefore objects to this portion of the interrogatory on the grounds that it calls for the opinion of an expert and/or a

General Order Interrogatory Responses - Wrongful Death Case No. 835568-9

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RESPONSE TO INTERROGATORY NO. 15:

Not Applicable.

RESPONSE TO INTERROGATORY NO. 16:

Plaintiffs object to this interrogatory on the grounds that it overbroad, burdensome. Defendants have these medical records or plaintiffs' attorney will make them available at a mutually convenient time in its office for the defendants' coordinating counsel for medical discovery. Without waiving said objections, plaintiffs respond:

Decedent was taking Coumadin 3mg, Zocor 10mg, Diovan HCT 160/125 and 125 mg and 5/500 mg of Vicodin.

RESPONSE TO INTERROGATORY NO. 17:

Plaintiffs object to this interrogatory on the grounds that it is overbroad, burdensome, an invasion of plaintiffs' right to privacy, irrelevant to the subject matter of this lawsuit, and not likely to lead to admissible evidence. Without waiving said objections, plaintiffs respond:

Plaintiffs' attorney will make available to the defendants' coordinating counsel for medical discovery any documents regarding decedent's chest conditions and any other related problems available at a mutually convenient time, in our office.

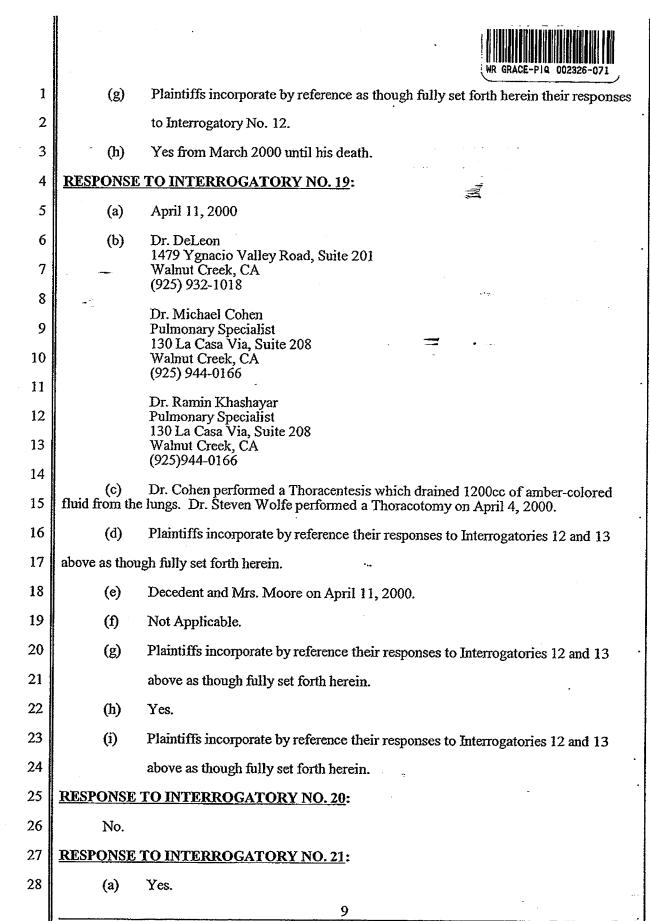
RESPONSE TO INTERROGATORY NO. 18:

Plaintiffs object to this interrogatory on the grounds that it calls for a medical opinion which plaintiffs are not qualified to give. Without waiving said objection, plaintiffs respond:

- (a) Weight loss, extreme fatigue, chest pain and wheezing.
- (b) Asbestos-related lung cancer and asbestosis due to exposure to asbestos containing products.
- On March 28, 2000 was seen by Dr. DeLeon complaining of chest pain and was (c) ordered to undergo a CAT Scan. Diagnosed April 12, 2000.
- (d) Weight loss as well as extreme visible fatigue.
- (e) Entire body.
- (f) Plaintiffs incorporate by reference as though fully set forth herein their response to Interrogatory No. 12.

27 28

General Order Interrogatory Responses - Wrongful Death Case No. 835568-9



1	(b)	Contra Costa County Superior Court.
2	(c)	REDACTED
3	- (d)	Spouse.
4	(e)	Dan Ben-Zeev, M.D. (Oncologist), 110 La Casa Via, #210
5		Walnut Creek, CA 94598.
6	(f)	Carcinoma of the Right Lung.
7	_(g)	
8		• *****
9	RESPONSE	TO INTERROGATORY NO. 22:
10	Yes,	a limited autopsy.
11	(a)	REDACTED
12	(b)	KID: 10 L
13	(c)	For removal of decedent's lungs to confirm the diagnosis of asbestos related
14		disease.
15	(d)	Steven Glasgow, M.D. Alta Bates Hospital
16		2450 Ashby Avenue Berkeley, CA
17	(e)	August 6, 2000.
18	(f)	Asbestos-related lung cancer and asbestosis due to exposure to asbestos
19	(~)	containing products.
20	(g)	Dr. Samuel Hammar's report has been previously provided to designated defense
21		counsel, Berry & Berry. The pathology studies thereby confirmed the diagnosis of
22		asbestos related disease.
23	(h)	Dr. Samuel Hammar's report has been previously provided to designated defense
24		counsel, Berry & Berry.
25	RESPONSE	TO INTERROGATORY NO. 23:
26	Yes.	
27	(a)	John Muir Medical Center.
28	• •	• • • • • • • • • • • • • • • • • • •
	General Order I	10 nterrogatory Responses - Wrongful Death
	Case No. 83556	



- (b) Dr. S. Wolfe.
- (c) Dr. Samuel Hammar's office.
- (d) April 25, 2000.

RESPONSE TO INTERROGATORY NO. 24:

Plaintiffs incorporate by reference as though fully set forth herein their response to Interrogatory No. 12.

RESPONSE TO INTERROGATORY NO. 25:

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RESPONSE TO INTERROGATORY NO. 26:

Yes.

RESPONSE TO INTERROGATORY NO. 27:

- (a) 1937 1956.
- (b) Inhaled.
- (c) One pack per day.
- (d) No.
- (e) Never restarted.
- (f) One pack per day.
- (g) Camels.

RESPONSE TO INTERROGATORY NO. 28:

No.

RESPONSE TO INTERROGATORY NO. 29:

Plaintiffs object to this interrogatory on the grounds that it is an invasion of privacy, irrelevant and not likely to lead to admissible evidence. Without waiving these objections, plaintiffs respond as follows:

drank socially up until approximately 1948, at which time he quit drinking alcohol entirely.

RESPONSE TO INTERROGATORY NO. 30:

Plaintiffs object to this interrogatory as vague and ambiguous. Without waiving any objection, plaintiffs respond: Plaintiffs recall the following information about

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WR GRACE-PIQ 002326-074

employers and work locations:

(a) United States Navy (1937 - 1941)

served as a seaman in the United States Navy from 1937 through 1941. He went through boot camp at the United States Naval Training Center in Great Lakes, Illinois, and served in Sitka, Alaska for 18 months where he performed work as a fireman in the boiler room facilities of the Sitka Naval Air Station. was present when others, including outside contractors, installed and removed insulation products in these boiler room facilities and other locations at the base. also served as a boiler room fireman aboard the U.S.S. Langley, U.S.S. Memphis, U.S.S. Mead Destroyer, U.S.S. Wyoming, and the U.S.S. Texas. While serving aboard these vessels, he routinely applied and removed asbestos containing products including, but not limited to pipe covering, block and cement, and he was present when others performed these tasks. was also present when other workers installed and removed a wide variety of asbestos containing products, including but not limited to pipe covering, block, cement, gaskets, packing, cloth and refractory products. was assigned to the engine and boiler room compartments of these vessels and was exposed to asbestos which was on and contained within the boilers and other equipment associated with these compartments.

assisted in and was present during both minor repairs and major overhauls of these vessels.

sustained both a direct and bystander exposure to asbestos.

(b) San Diego Marine Construction Company (1942 - 1943)

worked as a pipe fitter for the San Diego Marine Construction Company, a shipyard in San Diego, California for a period of two years from 1942 through1943. He worked aboard ships that were being constructed and repaired as part of the United States war effort during World War II. His duties required him to install and remove asbestos containing gaskets and packing, and also required him to install and remove asbestos containing insulation including, but limited to pipe covering, block, and cement. regularly and routinely worked in the same compartment as other workers who installed and removed asbestos containing insulation, packing, gaskets, cloth and refractory products. was also present when other workers performed refractory work on the boilers of these vessels, and was



present when workers constructed the interior walls and compartments of these ships.

sustained both a direct and bystander exposure to asbestos.

(c) United States Merchant Marines (1943 - 1945)

served as a wiper, fireman and engineer in the United States Merchant Marine from 1943 through 1945. He sailed aboard oil tankers in both the Atlantic and Pacific oceans during World War II. He served as a wiper, fireman and engineer in the boiler and engine rooms of the S.S. Broad River, S.S Fort Donelson, and the S.S. Mission Santa Clara. While serving in the boiler and engine rooms of these vessels, he routinely applied and removed asbestos containing insulation including, but not limited to pipe covering, block and cement, and he was present when others performed these tasks was also present when other workers installed and removed a wide variety of asbestos containing products, including but not limited to pipe covering, block, cement, gaskets, packing, cloth and refractory product was assigned to the engine and boiler room compartments of these vessels and was exposed to asbestos was on and contained within the boilers and other equipment associated therewith.

assisted in and was present during both minor repairs and major overhauls of these vessels.

sustained both a direct and bystander exposure to asbestos.

(d) Camarillo State Hospital (1948 - 1959)

worked as fireman, steam fitter, and chief engineer at the Camarillo State

Hospital in Camarillo, California from 1948 through 1959. was responsible for the
overall maintenance of the facility, including the maintenance and operation of the boilers. His
duties required him to perform, and required him to work in close proximity to others who
performed, a variety of tasks including but not limited to the installation and removal of asbestos
containing products. The list of asbestos containing products to which plaintiff was exposed
includes, but is not limited to, gaskets, packing, pipe covering, block, cement, drywall, wall
board, joint compound, spray applied ceiling textures, wall textures, spray applied fireproofing,
and refractory products ; sustained both a direct and bystander exposure to asbestos.

(e) Paso Robles School for Boys (1959 - 1964)

worked as fireman, steam fitter, and chief engineer at the Paso Robles School



for Boys in Paso Robles, California from 1959 through 1964.

was responsible for the

overall maintenance of the facility, including the maintenance and operation of the boilers.

duties required him to perform, and required him to work in close proximity to others who performed, a variety of tasks including but not limited to the installation and removal of asbestos containing products. The list of asbestos containing products to which he was exposed includes, but is not limited to, gaskets, packing, pipe covering, block, cement, drywall, wall board, joint compound, spray applied ceiling textures, wall textures, spray applied fireproofing, and refractory products.

stained both a direct and bystander exposure to asbestos.

(f) California Institute for Women (1964 - 1969)

worked as fireman, steam fitter, and chief engineer at the California Institute for Women in Ontario, California from 1964 through 1969. was responsible for the overall maintenance of the facility, including the maintenance and operation of the boilers. His duties required him to perform, and required him to work in close proximity to others who performed, a variety of tasks including but not limited to the installation and removal of asbestos containing products. The list of asbestos containing products to which was exposed includes, but is not limited to, gaskets, packing, pipe covering, block, cement, drywall, wall board, joint compound, spray applied ceiling textures, wall textures, spray applied fireproofing, and refractory products

(g) California State University, Hayward (1969 - 1975)

worked as fireman, steam fitter, and chief engineer at the California State

University campus in Hayward, California from 1969 through 1975. was responsible

for the overall maintenance of the facility, including the maintenance and operation of the

boilers. His duties required him to perform, and required him to work in close proximity to

others who performed, a variety of tasks including but not limited to the installation and removal

of asbestos containing products. The list of asbestos containing products to which plaintiff was

exposed includes, but is not limited to, gaskets, packing, pipe covering, block, cement, drywall,

wall board, joint compound, spray applied ceiling textures, wall textures, spray applied

fireproofing, and refractory products

sustained both a direct and bystander exposure



to asbestos.

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RESPONSE TO INTERROGATORY NO. 31:

United States Navy (1937 - 1941)

- (a) Plaintiffs incorporate by reference their responses to Interrogatory No. 30 above as. though fully set forth herein.
- (b) Plaintiffs incorporate by reference their response to Interrogatory No. 30 above as
 though fully set forth herein.
- (c) Yes.
- (d) Yes.
- (e) Pipe covering, block, cement, gaskets, packing, gloves, rope, cloth, and refractory products, among others.
- (f) Plaintiffs incorporate by reference her response to Interrogatory No. 30 above as though fully set forth herein..
- (g) Plaintiffs recalls that served as a boiler room fireman aboard the U.S.S.

 Langley, U.S.S. Memphis, U.S.S. Mead Destroyer, U.S.S. Wyoming, and the U.S.S.

 Texas
- (h) Unknown.
- Unknown.

San Diego Marine Construction Company (1942 - 1943)

- (a) Plaintiffs incorporate by reference their response to Interrogatory No. 30 above as though fully set forth herein..
- (b) Plaintiffs incorporate by reference their response to Interrogatory No. 30 above as though fully set forth herein.
- (c) Yes.
- (d) Yes.
- (e) Pipe covering, block, cement, gaskets, packing, insulation, gloves, rope, cloth, and refractory products, among others.
 - (f) Plaintiffs incorporate by reference their response to Interrogatory No. 30 as though

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products. 1 2 (f) Plaintiffs incorporate by reference their response to Interrogatory No. 30 as though 3 fully set forth herein. 4 (g) Not Applicable. 5 (h) Unknown. 6 (i) Unknown. 7 Paso Robles School for Boys (1959 - 1964) 8 (a) Plaintiffs incorporate by reference their response to Interrogatory No. 30 as though 9 fully set forth herein. Plaintiffs incorporate by reference her response to Interrogatory No. 30 as though 10 (b) fully set forth herein. 11 12 (c) Yes. 13 (d) Yes. 14 (e) Pipe covering, block, cement, gaskets, packing, wall board, joint compound, spray 15 applied ceiling textures, wall textures, spray applied fireproofing and refractory products. 16 (f) Plaintiffs incorporate by reference their response to Interrogatory No. 30 as though 17 fully set forth herein. 18 (g) Not Applicable. 19 (h) Unknown. 20 (i) Unknown. 21 California Institute for Women (1964 - 1969) 22 (a) Plaintiffs incorporate by reference their response to Interrogatory No. 30 as though 23 fully set forth herein. 24 (b) Plaintiffs incorporate by reference their response to Interrogatory No. 30 as though 25 fully set forth herein. 26 Yes. (c) 27 (d) Yes. 28 Pipe covering, block, cement, gaskets, packing, insulation, gloves, rope, cloth, and (e)



refractory products, among others.

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- (f) Plaintiffs incorporate by reference their response to Interrogatory No. 30 as though fully set forth herein.
 - (g) Not Applicable.
 - (h) Unknown.
 - (i) Unknown.

_California State University, Hayward (1969 - 1975)

- (a) Plaintiffs incorporate by reference their response to Interrogatory No. 30 as though fully set forth herein.
- (b) Plaintiffs incorporate by reference their response to Interrogatory No. 30 as though fully set forth herein.
 - (c) Yes.
 - (d) Yes.
- (e) Gaskets, packing, pipe covering, block, cement, drywall, wall board, joint compound, spray applied ceiling textures, wall textures, spray applied fireproofing, and refractory products, among others.
- (f) Plaintiffs incorporate by reference their response to Interrogatory No. 30 as though fully set forth herein.
 - (g) Not Applicable.
 - (h) Unknown.
 - (i) Unknown.

RESPONSE TO INTERROGATORY NO. 32:

Unknown.

RESPONSE TO INTERROGATORY NO. 33:

- (a) Plaintiffs claim exposure at all of the employments listed in response to Interrogatories 30 and 31.
 - (b) Plaintiffs' counsel herein is informed and believes and based thereon, that exposures and the years of exposure, that the manufacturers included all defendants

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No. 31(e) above.

(f) Unknown.

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(c) Unknown at this time; investigation and discovery are continuing. (d) Plaintiffs referred to asbestos as "asbestos."

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(e) Plaintiffs refer defendants to Owens-Corning Fiberglass picture books for the information sought here; investigation and discovery are continuing;

Investigation and discovery are continuing.

RESPONSE TO INTERROGATORY NO. 34:

(a) At this time, plaintiffs cannot recall specific cartons, containers or wrappings of asbestos-containing materials.

Investigation and discovery are continuing.

- (b) Plaintiffs object to this subpart of the interrogatory on the grounds that it calls for speculation.
- (c) Plaintiffs refer defendants to documents in the possession of defendants, contractors and subcontractors at decedent's worksites and decedent's employers.
 - (d) Plaintiffs refer defendants to their responses to Interrogatory number 31 above.

Investigation and discovery is continuing.

RESPONSE TO INTERROGATORY NO. 35:

Plaintiffs object to this interrogatory to the extent that it calls for privileged information that is the work product of plaintiffs' attorney or otherwise requires such disclosure of information that would constitute a violation of various section 362(a) stay orders of the Federal Bankruptcy Courts. Without waiving said objections, plaintiffs respond:

At the present time, plaintiffs' counsel has no reason to believe that decedent was exposed to asbestos products manufactured or sold by companies who were not named as defendants in this action.

Investigation and discovery is continuing.

RESPONSE TO INTERROGATORY NO. 36:

1 Unknown. 2 **RESPONSE TO INTERROGATORY NO. 37:** 3 Despite plaintiffs' reasonable and good faith efforts to obtain information, due to the passage of time, plaintiffs are not in possession of information responsive to this interrogatory. 4 5 Investigation and discovery are continuing. 6 **RESPONSE TO INTERROGATORY NO. 38:** 7 Plaintiffs are unaware of a person responsive to this interrogatory. 8 Investigation and discovery continuing. 9 **RESPONSE TO INTERROGATORY NO. 39:** Plaintiffs are not in possession of documents responsive to this interrogatory. 10 11 Investigation and discovery are continuing. **RESPONSE TO INTERROGATORY NO. 40:** 12 13 No. **RESPONSE TO INTERROGATORY NO. 41:** 14 15 Not to plaintiffs' knowledge. 16 Investigation and discovery are continuing. 17 **RESPONSE TO INTERROGATORY NO. 42:** 18 Not to plaintiffs' knowledge. 19 Investigation and discovery are continuing. 20 **RESPONSE TO INTERROGATORY NO. 43:** 21 No. **RESPONSE TO INTERROGATORY NO. 44:** 22 23 No. 24 **RESPONSE TO INTERROGATORY NO. 45:** 25 No. **RESPONSE TO INTERROGATORY NO. 46:** 26 27 No. 28 **RESPONSE TO INTERROGATORY NO. 47:**

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No. 1 2 **RESPONSE TO INTERROGATORY NO. 48:** 3 No. 4 **RESPONSE TO INTERROGATORY NO. 49:** 5 No. 6 **RESPONSE TO INTERROGATORY NO. 50:** 7 Decedent retired in 1975. 8 **RESPONSE TO INTERROGATORY NO. 51:** 9 Not applicable. **RESPONSE TO INTERROGATORY NO. 52:** 10 11 No. 12 **RESPONSE TO INTERROGATORY NO. 53:** 13 Not applicable. 14 **RESPONSE TO INTERROGATORY NO. 54:** 15 Plaintiffs are currently gathering information responsive to this interrogatory and will 16 make it available to defendants once it is obtained. 17 Investigation and discovery are continuing. 18 RESPONSE TO INTERROGATORY NO. 55: 19 Plaintiffs are currently gathering information responsive to this interrogatory and will 20 make it available to defendants once it is obtained. 21 Investigation and discovery are continuing. 22 RESPONSE TO INTERROGATORY NO. 56: 23 Plaintiffs are currently gathering information responsive to this interrogatory and will 24 make it available to defendants once it is obtained. 25 Investigation and discovery are continuing. 26 **RESPONSE TO INTERROGATORY NO. 57:** 27 Objection. Collateral source, outside the scope of discovery, and unduly intrusive into 28 the private affairs of plaintiffs.

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1 2	WR GRACE-PIQ 002326-084	
3	RESPONSE TO INTERROGATORY NO. 58:	
	Pittsburg Funeral Chapel, 2295 Railroad Avenue, Pittsburg, California 94565.	
4	RESPONSE TO INTERROGATORY NO. 59:	
5	Yes.	
6	(a) August 10, 2000.	
7	_(b) Memory Gardens, 2011 Arnold Industrial Way, Concord, California.	
8	RESPONSE TO INTERROGATORY NO. 60:	
. 9	No.	
10	RESPONSE TO INTERROGATORY NO. 61:	
11	Objection. Collateral source, outside the scope of discovery, and unduly intrusive into	
12	the private affairs of plaintiffs. Without waiving said objections, plaintiffs respond:	
13	Plaintiffs are in the process of gathering this information and will provide it to counsel	
14	once it has been compiled.	
15	RESPONSE TO INTERROGATORY NO. 62:	
16	No.	
17	RESPONSE TO INTERROGATORY NO. 63:	
18	(a) DED ACTION	
19	REDACTED (b)	
20	(c) Worker's Compensation Appeals Board in San Francisco, California.	
21	(d) Pending.	
22	RESPONSE TO INTERROGATORY NO. 64:	
23	Yes.	
24	(and filed a personal injury and loss of	
25	consortium claim in the Alameda County Superior Court for damages arising out	
26	of development of asbestos related cancer.	
27	(b) Alameda County Superior Court, Oakland, California on May 5, 2000.	
28	(c) Asbestos related cancer.	
	22	
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(d) Pending.

RESPONSE TO INTERROGATORY NO. 65:

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RESPONSE TO INTERROGATORY NO. 66:

Plaintiffs object to this interrogatory on the basis of collateral source, outside the scope of discovery, and unduly intrusive into the private affairs of plaintiffs.

RESPONSE TO INTERROGATORY NO. 67:

Plaintiffs incorporate by reference as though fully set forth herein their response to Interrogatory No. 66.

RESPONSE TO INTERROGATORY NO. 68:

Plaintiffs do not know of any persons responsive to this interrogatory.

12 Investigation and discovery are continuing.

RESPONSE TO INTERROGATORY NO. 69:

Other than documents previously provided in this action, plaintiffs have no further documents to provide to defendants at this time.

RESPONSE TO INTERROGATORY NO. 70:

Yes.

RESPONSE TO INTERROGATORY NO. 71:

The Social Security records have been or will be supplied to designated defense counsel Berry & Berry.

RESPONSE TO INTERROGATORY NO. 72:

Yes. Photographs of the decedent have previously been provided to Defendants.

RESPONSE TO INTERROGATORY NO. 73:

Plaintiffs have no objection to providing photographs of decedent.

RESPONSE TO INTERROGATORY NO. 74:

was employed during the Korean War, approximately 1951 - 1953 for the Federal Government at the Yards Dock Supply Offices in Oxnard, California, as a clerk. Since that time, she has not been employed outside of the home.

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WR GRACE-PIQ 002326-086

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RESPONSE TO INTERROGATORY NO. 75:

Yes.

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RESPONSE TO INTERROGATORY NO. 76:

- (a) Outside the scope of discovery and unduly intrusive into the private affairs of the plaintiffs.
- (b) Not Applicable.
- (c) Not Applicable.
 - (d) Not Applicable.

RESPONSE TO INTERROGATORY NO. 77:

11 No.

12 RESPONSE TO INTERROGATORY NO. 78:

13 No.

RESPONSE TO INTERROGATORY NO. 79:

- (a) Plaintiff is the surviving widow of she is not employed. She was born on April 28, 1915.
- 18 (b) All twelve months.

19 RESPONSE TO INTERROGATORY NO. 80:

20 No.

21 RESPONSE TO INTERROGATORY NO. 81:

22 No.

23 RESPONSE TO INTERROGATORY NO. 82:

24 No.

25 RESPONSE TO INTERROGATORY NO. 83:

26 No.

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RESPONSE TO INTERROGATORY NO. 84:

28 No.

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